

Amy B. Vandeveld, SBN 137904  
LAW OFFICES OF AMY B. VANDEVELD  
1850 Fifth Avenue, Suite 22  
San Diego, CA 92101  
Telephone: (619) 231-8883  
Facsimile: (619) 231-8329

Attorney for KAREL SPIKES

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES,

Plaintiff,

vs.

EUROPEAN CAR SERVICE; ANDREW  
MACIEJEWSKI; ZENNON SMOCYNSKI and  
DOES 1 THROUGH 10, Inclusive,

Defendants.

Case No.: 07 CV 2394 LAB  
(WMC)

**DECLARATION OF R. SCOTT  
MEYER, M.D. IN SUPPORT  
OF PLAINTIFF'S  
OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS**

**[FRCP 12(B)(1)]**

Date: April 14, 2008  
Time: 11:15 a.m.  
Courtroom: 9  
Judge: The Honorable Larry A.  
Burns

I, R. SCOTT MEYER, M.D., declare:

1. I am not a party to this action. I am a resident of the County of San Diego, State of California and I have personal knowledge of the following facts. If called as a witness, I could and would competently testify to the following:

2. I am an orthopedic surgeon and am affiliated with the UCSD Medical Center, Department of Orthopedic Surgery, located at 350 Dickenson Street, Suite 121, San Diego, CA 92103.

3. I have been Karel Spikes' treating physician for more than ten years. Based



1 upon my observations and assessment of Mr. Spikes, and my medical expertise, it is my  
2 medical opinion that Mr. Spikes has at least three conditions which substantially impair  
3 his ability to walk, stand, climb stairs and negotiate curbs: a) traumatic above-knee  
4 amputation of the right lower extremity; b) chronic instability of the left knee due to knee  
5 dislocation; and c) drop-foot due to permanent neurological injury at the left knee.

6 4. Mr. Spikes requires the use of a wheelchair for mobility, which I prescribed  
7 for him, because of the above-identified medical conditions. Without a wheelchair, Mr.  
8 Spikes would be substantially limited in his every day activities because he cannot walk  
9 without great difficulty and pain, nor can he stand for more than fifteen to twenty minutes  
10 without great difficulty and pain.

11 5. While Mr. Spikes can walk, if wearing a prosthesis, his gait is severely  
12 imbalanced and unsteady, due to the drop-foot in his left lower extremity, his unstable left  
13 knee, and the pain associated with the use of his prosthesis. These conditions also  
14 severely limit the distance he is able to walk. Further, his drop-foot condition, his left  
15 knee instability and the use of his prosthesis, make it difficult, if not impossible, for Mr.  
16 Spikes to negotiate curbs and/or stairs unless there are railings or other supportive  
17 features available. I strongly recommend that Mr. Spikes avoid negotiating stairs or  
18 curbs, while walking, unless he has adequate support.

19 6. I am further aware that Mr. Spikes suffers from "phantom pains" associated  
20 with his amputated extremity. Based upon my experience as an orthopedic surgeon, I am  
21 aware that such pains are often debilitating. I have treated Mr. Spikes for debilitating  
22 phantom pains.

23 I declare under penalty of perjury under the laws of the State of California and the  
24 United States of America that the foregoing is true and correct.

25 Executed this 14<sup>th</sup> day of March, 2008 at San Diego, California.

26 

27 R. Scott Meyer, M.D.  
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